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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-first session

SUMMARY RECORD OF THE 1217th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 5 August 1997, at 10 a.m.

Chairman: Mr. BANTON

CONTENTS

ORGANIZATIONAL AND OTHER MATTERS (continued)

STATEMENT BY MR. RALPH ZACKLIN, OFFICER-IN-CHARGE, HIGH COMMISSIONER/CENTRE FOR HUMAN RIGHTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Eleventh and twelfth periodic reports of Algeria (continued)

Review of the implementation of the Convention in States parties whose reports are excessively overdue

Ethiopia

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The meeting was called to order at 10.05 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

1. The CHAIRMAN suggested, in respect of the Committee's consideration of the situation in Cambodia, that the Committee should write to the Cambodian Embassy in Paris, stating that consideration was to be deferred until the next session of the Committee and inviting the Cambodian Government to submit additional information. The letter should emphasize the importance which the Committee attached to dialogue with States parties and make it clear that the decision had been taken only because of the difficult political situation in Cambodia.

STATEMENT BY MR. RALPH ZACKLIN, OFFICER-IN-CHARGE, HIGH COMMISSIONER/CENTRE FOR HUMAN RIGHTS

2. Mr. ZACKLIN (Officer-in-Charge, High Commissioner/Centre for Human Rights) drew attention to the important recent developments. Firstly, Mrs. Mary Robinson, currently the President of Ireland, had been appointed to the post of High Commissioner for Human Rights, and would take up her duties in September 1997. Secondly, the Secretary-General had proposed important structural reforms within the United Nations, designed to strengthen substantive and technical support for human rights legislative bodies, treaty bodies and special procedures (document A/51/950, "Renewing the United Nations: A programme for reform"). Efforts to establish common data banks for information, research and analysis to assist those bodies were to be accelerated. The High Commissioner's Office and the Centre for Human Rights were to be combined into a single unit, to be called the Office of the United Nations High Commissioner for Human Rights.

3. Other recent developments included a seminar organized by the Secretariat on immigration, racism and racial discrimination on 5 to 9 May 1997, within the framework of the Third Decade to Combat Racism and Racial Discrimination. It was gratifying to note the progress made by two members of the Committee, along with two experts from the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in drawing up a joint working paper on article 7 of the International Convention on the Elimination of all Forms of Racial Discrimination. He welcomed the Committee's proposal to prepare a list of subjects in the area of racial discrimination, which could be considered as topics for studies by the Sub-Commission: those proposals had been submitted to the Sub-Commission at its current session in document E/CN.4/Sub.2/1997/31.

4. The Commission for Human Rights, in its resolution 1997/74, had recommended to the General Assembly that a world conference on racism and racial discrimination, xenophobia and related intolerance should be convened before the year 2001. The resolution called upon a number of United Nations bodies, including the Committee, to submit recommendations and to participate in the conference.

5. The eighth meeting of persons chairing the human rights treaty bodies was to be held in Geneva on 15-19 September 1997 and would consider the

recommendations for the reform of the work of the treaty bodies put forward by the independent expert Mr. Philip Alston (E/CN.4/1997/74). He looked forward to hearing the Committee's views.

6. The Committee was to consider the situation in the Democratic Republic of the Congo and Rwanda at its current session. The joint investigative mission established by the Commission on Human Rights had drawn up a report about the situation (A/51/942) from the sources available to it, although it had not been able to visit the country. The Secretary-General had just appointed another investigative team under his own authority, in which Mr. Chigovera, a member of the Committee, would participate.

7. The Committee was due to consider the situation in a number of other States, including Israel, Algeria, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Cambodia. He looked forward to receiving the Committee's suggestions and recommendations on ways of reducing ethnic violence and hatred in those countries and promoting tolerance and understanding. The Centre for Human Rights would do its best to support the Committee's work in every way.

8. Mr. GARVALOV said that, before any radical reform of the human rights treaty bodies was undertaken, it was essential to understand what they could do, given the necessary support. It was also important to ensure that all the treaty monitoring bodies were given equal treatment. The Committee needed more time to analyse the information available to it, both from periodic reports and through the early warning and urgent procedures, and to reach a real consensus on its concluding observations. In the present circumstances, it was impossible to know how well the treaty monitoring bodies could function, what should be expected of them and what shortcomings remained to be resolved, and hence to make an objective assessment of their role.

9. Mr. de GOUTTES welcomed the opportunity to make contact once more with Mr. Zacklin. The Committee had also maintained contact with Mr. Glèlè-Ahanhanzo, Special Rapporteur of the Commission on Human Rights on contemporary forms of racism and racial discrimination, xenophobia and related intolerance, but it had no up-to-date information about the Special Rapporteur's activities. He would be grateful for any information which Mr. Zacklin could provide, and hoped that another meeting with the Special Rapporteur would be arranged soon. The Committee had already discussed the report of Mr. Alston, and sought more information about its precise status. Did it have any binding force? Was it open to discussion?

10. Mr. SHERIFIS welcomed the plans to strengthen the Centre for Human Rights. He hoped that the secretariat support available to the Committee would also be increased. The staff assigned to the Committee did an excellent job, but they worked for other committees too, and their workload was heavy.

11. He welcomed the appointment of Mrs. Mary Robinson as the new High Commissioner for Human Rights, and hoped that the Committee would play its full part in the activities for the Third Decade to Combat Racism and Racial Discrimination. The aims of all the United Nations human rights bodies

should be to work for the accession of as many States as possible to the international human rights instruments and to increase public awareness of their provisions.

12. Mr. RECHETOV welcomed the appointment of Mrs. Mary Robinson as the new High Commissioner for Human Rights; he admired her as an excellent lawyer who was unprejudiced and quick to grasp new issues.

13. One problem which often arose was that States, and the public at large, failed to distinguish between the various types of human rights body: the politicized bodies, such as the Third Committee of the General Assembly or the Commission on Human Rights, the treaty monitoring bodies, such as the Committee, and bodies outside the United Nations system, including regional organizations such as the Council of Europe. It was essential to make clear the differences between those three groups, while ensuring that their activities were complementary.

14. The CHAIRMAN said that the work of the treaty monitoring bodies - establishing standards for human rights and persuading all States to abide by them - was one of the most important elements of the United Nations' human rights work.

15. Mr. ZACKLIN (Officer-in-Charge, High Commissioner/Centre for Human Rights) acknowledged the importance of the treaty monitoring bodies. The current reforms within the United Nations system, along with a number of significant anniversaries coming up in 1998, including the fiftieth anniversary of the Universal Declaration of Human Rights, provided a unique opportunity to reassess the United Nations' human rights activities. The extensive human rights knowledge and high international profile of the new High Commissioner, Mrs. Robinson, would make a valuable contribution to the reform process.

16. Members had called for more secretariat support for the Committee's work. That was a long-standing issue, but in the end it was a question of human resources and hence financial resources. The Centre for Human Rights would do its best to help the Committee in every way with the means available to it, which would themselves come under review in due course.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Eleventh and twelfth periodic reports of Algeria (CERD/C/280/Add.3) (continued)

17. At the invitation of the Chairman, the delegation of Algeria resumed its place at the Committee table.

18. Mr. DEMBRI (Algeria) said that the Committee's questions at the previous meeting had opened up a valuable dialogue about the implementation of the Convention in Algeria and about wider human rights issues.

19. One important issue which had been raised was that of the national identity of the Algerian people. His delegation had been puzzled by the

discussion about a potential definition of "Algerian society". From its beginnings, Algeria had always been a single unified country, not one made up of diverse communities with their own laws and customs. The country had remained a single community despite the influence of other civilizations, including the Byzantines, the Greeks and the Romans.

20. Another widespread myth was that of the "indigenous" population of Algeria. The present-day Algerian people were the indigenous population, although they had naturally undergone some foreign influences. If Algerians had defined themselves as Berbers, it was because the various invaders and colonizers had not understood their language. The Greek word from which "Berber" was derived, "barbarian", referred to all those peoples in the Mediterranean basin who did not speak Greek. That historical definition of Algerianism reflected a diversity of ethnic groups; all skin, eye and hair colours were found among Algerians, who had never considered such differences to be a sign of separate communities.

21. With colonization in 1830, the colonizers had begun imposing their own criteria of differentiation on the people. The principle of "divide and conquer" had been applied to Algeria through legal instruments. One such instrument was the Code of Indigenous Status, which had defined the relationship between indigenous Algerians and the colonial settlers by establishing separate electoral colleges for each. Switching from the former to the latter college required religious conversion and changing one's name - in other words, making a complete break with one's society of origin. The second such instrument, the Varnier Act, had changed the relationship of Algerians with their land, replacing the system of family land ownership with one in which any Algerian was free to sell his land, which had resulted in the appropriation of vast agricultural tracts by foreigners. Thirdly, there was the Crémieux decree, which had segregated indigenous Jews from the rest of the community by giving them de jure and de facto French nationality. The rejection of customary Algerian law had meant that the diverse but fraternal make-up of Algerian society was no longer recognized.

22. By a 1938 decree of the French Presidential Council, Arabic was declared to be a foreign language in Algeria. The result was total disarray within society and a prodigious rise in the country's nationalist and armed liberation movements, aimed at bringing back Algeria's original unitary society. The process of pauperization and relapse into illiteracy was complete. Now, in the 35 years since independence, in the space of just one generation, the schoolgoing population had risen from 7,000 schoolchildren and 300 university students in 1962 to 8 million schoolchildren and 350,000 university students in 1997.

23. Colonization deserved an equal place in the world's memory with the Holocaust, as future generations would continue to suffer the consequences of colonial ideologies, which were always founded on the division of populations, antagonism and a flagrant denial of human rights. It was understandable that, upon independence, Algeria had repealed all legislation that condoned the alien concepts of racial discrimination or ethnic differentiation. Algeria believed that conducting censuses of its ethnic and religious groups was

contrary to the ideas of freedom. The Algerian identity card had never mentioned religious or ethnic affiliation, which had been an invention of the colonial period.

24. The Arabo-Berber definition of the Algerian meant that, historically, Algerians were Berbers who had become part of the Arabic and Muslim world. "Amazighe", which meant "free man", was a term universally applied to Algerians and the one by which they had first been known. The country was also trying to rehabilitate the Amazighe language, which was derived from Berber. Dialects based on Amazighe were spoken in 7 of the country's 48 departments, in addition to Arabic. The major problem with rehabilitating the language was the diversity of its dialects. The situation was not unlike the history of the Romance languages and of French itself, all of them deriving from numerous dialects which reflected, as in the case of Amazighe, a cultural heritage rather than an ethnic one. It was the Constitution of 1996 which had given Algerianism its Amazighe, Arab and Muslim foundations.

25. An early measure had been the establishment in 1995 of the Office of the High Commissioner on Amazighe Status, which worked with civic associations and organizations involved with the cultural aspects of Amazighe and the rehabilitation of the Amazighe language. While there were problems in training teachers in Amazighe, the most serious problem was in transcribing the language, since it was spoken and had never been codified.

26. In response to other questions raised, he said that in combating fundamentalist violence Algeria was involved in a struggle for freedom and for the most basic rights, including the right to life. Algeria rejected the NGOs' explanation of the situation as one of civil war between the security forces and armed Islamic groups. The country had been engaged in two struggles: to re-emerge in the history of the twentieth century, and to create a democratic, pluralistic society open to a market economy. The existence of armed Islamic groups could not be explained by the interruption of the election process in 1991; the violence had actually begun earlier, with the 1989 attack on a barracks and the 1990 attack on the Blida court, both by the Islamic Armed Group (GIA). Algeria was paying the price not only of its fight for freedom and a multi-party system, but also of the repercussions of the cold war: GIA agents had all been trained in Afghanistan, having been mobilized in 1979 from Algeria, Yemen, Egypt, Morocco and Tunisia by foreign officers, often Arabs, at the instigation of certain countries, in order to defend Islam against communism in Afghanistan. When the war there had ended, the agents had returned to their countries, and it was only natural that ideas of pluralism, human rights and women's rights had appeared impious to them because they were not mentioned in divine law. That was the genesis of Islamic fundamentalism in Algeria.

27. While the worst was over, the question of the supply of those groups needed to be raised. Their logistical bases were mostly in Europe - in France, Germany, Belgium, the United Kingdom, Italy and Spain. There was a vital need for international coordination, as those structures were becoming increasingly Mafia-like, destabilizing democracies. The situation was not

unique to Algeria; weapons could be bought cheaply in Poland, the Czech Republic or the Russian Federation, and the problem weighed on the conscience of the entire world. Those armed groups had no connection whatsoever with Islam, which encouraged the development of the individual.

28. He was troubled by the documents of Amnesty International: there were no private militia in Algeria, but, rather, legally constituted "self-defence groups". With a territory extending over some 2.2 million square metres, and a widely dispersed population of about 28 million, a military force covering the entire territory was unimaginable. The self-defence groups were auxiliaries to the security forces, working under the national gendarmerie, and were trained in accordance with the most up-to-date principles of fundamental rights and freedoms and humanitarian law. He asked any NGO to prove the contrary, and called on such organizations to cease engaging in fruitless polemics. The entire civilian population was enduring the barbarity of the armed groups; NGOs, including Amnesty International, should take a clear stand on the massacres and explicitly condemn attacks on the right to life. He deplored Amnesty's lack of professionalism; it was no longer the organization of Sean MacBride, its investigators no longer possessed integrity and there was no longer any respect for the process of debate. There were never any field data, but only unilateral allegations for which there was no proof; and yet debate was the cornerstone of democracy.

29. Algeria was a pluralistic society founded on the separation of powers. For the first time in history, the President's mandate had been limited to two terms of office; a bicameral Parliament had been set up, as well as a Council of State and Constitutional Council, whose still-limited case law proved the vitality of the debate and the acceptance of criticism.

30. It was true that one third of the Council of the Nation, or Senate, was appointed by the President, but that did not detract from its constitutionality. Other undisputably democratic countries had similar arrangements. In a young republic such as Algeria, which needed expertise, it was natural to keep one third of the 48 Senate seats for experienced individuals.

31. The recent Algerian elections had taken place in a context of pluralism in the presence of United Nations, Arab League and Organization of African Unity (OAU) observers. He cited the creation in 1992 of the National Human Rights Observatory (ONDH), the appointment in 1994 of an Ombudsman, which gave Algerians further legal protection, and the creation of a Law and Liberties Commission within the National Assembly.

32. Addressing questions asked by Mr. de Gouttes and Mrs. Sadiq Ali about the implementation of the Convention, he said Algeria was committed to the universality of the Convention and any Algerian could invoke it under the Penal Code. In addition to the Convention being taught to magistrates, the security forces, law students and others, a Human Rights chair had been instituted at the University in Oran, seminars were organized and Human Rights Day was celebrated across the country to raise awareness about the Convention.

33. In response to Mr. van Boven's query about violence against foreigners he said wanton acts perpetrated by Islamic groups had led foreigners to

believe they were the target of xenophobia. Despite the State's efforts to protect them, a few foreigners, including workers from several different countries and members of the clergy, who were guaranteed protection under the Constitution, had been killed. The families of all victims, regardless of origin, were entitled to compensation by the Algerian Government.

34. On the matter of combating anti-Semitic activities, the Algerian Government had reacted swiftly in 1991 to the publication of anti-Semitic literature in a newspaper financed by the Islamic Salvation Front (FIS) by banning the newspaper.

35. He denied reports that the French language was being supplanted by English. French was still the second and administrative language of the country and very much part of the audio-visual landscape. Other foreign languages were being taught alongside French and English, where finances and human resources permitted.

36. On the question of the Nationality Code, jus sanguinis was the prevailing principle but anyone born on Algerian soil could be naturalized. However, a special provision had given French nationals living in Algeria up to 1962 the right to obtain nationality through a simple declaration before a judge.

37. He offered his vision of Algeria within the community of nations by quoting Goethe: "I built my house on no_hing, nowhere, so the whole world is mine".

38. The CHAIRMAN thanked Mr. Dembri for his report, remarks on the origin and nature of the Algerian conflict, and answers to the Committee's queries.

39. Mr. SHAHI said that Mr. Dembri had thrown light on many aspects of Algerian identity. The Committee was aware of the concern of many States parties that their obligation to provide an ethnic breakdown of their populations could give rise to divisions and anti-national tendencies. The Committee faced something of a dilemma: in refraining from asking States parties about ethnicity in their countries it would be failing in its duties under article 1, paragraph 1 of the Convention.

40. Referring to the definition of Algeria's identity in paragraph 10 of its twelfth periodic report, he asked whether the reference to an Amazighe, African and Mediterranean substratum was to be understood in cultural or ethnic terms.

41. Mr. DIACONU took up the issue of Algerian identity, stating that it was not the intention of the Committee to create artificial ethnic groups. The Convention protected individuals whose rights under the Convention were violated. However, there was also provision under article 2 for discrimination against groups. Cultural and ethnic specificities should not be trampled on in the quest for national unity because it could lead to conflict of the kind resurfacing in parts of Europe and elsewhere.

42. He commended Algeria's efforts to preserve the Berber language and revive the Amazighe language. Algeria was one of many countries moving in

that direction and the Committee wanted to see more initiatives of the kind in which linguistic and cultural identities were respected because they had a direct, crucial impact on the day-to-day lives of the minorities who spoke them, regardless of whether they were recognized officially or not.

43. Mr. de GOUTTES said he was still mindful of the need for the Committee to identify ways of helping Algeria through its crisis and to include them in the concluding observations to be sent to the General Assembly.

44. The Committee should consider, first and foremost, information provided by States parties but also from other United Nations bodies and NGOs and had adopted a General Recommendation to that effect. In the light of information submitted by a number of NGOs, including Amnesty International and Human Rights Watch, he invited the representative of Algeria to respond to reports of insecurity among intellectuals of the opposition, lawyers, human rights activists and journalists, allegations of violation of the freedom of the press, disappearances, assassinations by State agents, terrorist groups and self-defence militia and State obstruction of human rights investigations. The Committee could not ignore such allegations even though they did not fall directly under its mandate.

45. Mr. WOLFRUM reiterated that it was not the Committee's intention to create artificial ethnic groups. However, in tackling the problem of determining the ethnic or racial origin of an individual, the Committee was faced with three options: the definition proffered by the State, by the group or by the individual. He drew attention to the Committee's General Recommendation VIII according to which the final decision as to identification lay with the individual.

46. The Algerian Government's policy of promoting the Berber language indicated that there was an interest in using the language, which testified to the aspirations of the Berber-speaking population. He regretted that the Government's willingness to promote the use of the Berber language was not referred to in the report and requested an update on the situation in subsequent reports.

47. Mr. ABOUL-NASR clarified his position on reports from NGOs. He had never contended that they should be ignored and was grateful for them but the Committee should strive for balanced opinions reflecting different sources of information. Most of the information presented to the Committee came from organizations in developed countries, which had their own perception of reality. The allegations of restrictions on freedom of information illustrated the difference in approaches to the question. Most western countries did not implement or entered reservations to article 4, invoking freedom of information as a priority. In the Middle East, they adhered to the principles enshrined in article 4 and hence could not tolerate false information and propaganda or criminal acts and groups. The developing countries were in the minority on the Committee and he hoped that their views would also be taken into consideration.

48. Finally, he took issue with what he saw as western influences in Mr. Dembri's approach to Islamic fundamentalists, who were neither Muslim nor

fundamentalist because Islam prohibited the crimes perpetrated in Algeria and Egypt in the name of Islam. Diplomatic efforts were being made by Middle Eastern States to put restrictions on groups in exile which financed terrorists. Financing them was foolish, as some countries like the United States of America were beginning to discover.

49. Mr. GARVALOV agreed with Mr. Aboul-Nasr that the dialogue was between members of the Committee as much as between the Committee and the State party. He had constantly appealed for each case to be discussed on its merits because of countries like Algeria, where the question was whether the homogeneous society which the Government claimed existed was the result of forced assimilation or a progressive tendency. There had been many cases in the past where the Committee had objected to official claims to a homogeneous society when it was clear that assimilation had been forced.

50. The question of the Convention, the Committee's approach to it and whether the Committee should press States parties to accept realities and recognize the existence of minorities or ethnic groups despite their constitutional arrangements should be discussed properly in view of the differences of opinion among Committee members and the frequency with which the question of the Convention vis-à-vis minorities arose.

51. Mr. DEMBRI (Algeria), replying to the additional questions raised, said that the dialogue had helped highlight some of the problems encountered in implementing the Convention. It was clear from the many reports in circulation on human rights situations the world over that the concept of minorities and indigenous peoples could not be applied uniformally.

52. With regard to the questions raised by Mr. Garvalov, Algeria's substrata were not the result of forced assimilation or progressive tendencies but of spontaneous assimilation since the seventh century. People were not defined by linguistic groups as many spoke several languages, nor was language a barrier to public office. The present Head of Government, for example, was a Berber speaker as were 14 of the country's 32 ministers. That cultural diversity demonstrated the dynamism of Algerian society.

53. Paragraph 10 of the report (CERD/C/280/Add.3) might appear confusing but the fact was that the Algerian people were the product of the passage of many different peoples over many centuries. There was great support for Islamic and Arabic values and Arabic had been chosen as the country's official language because in the past it had been acknowledged universally as the language of progress. The Algerian population was composed of various physical types, and consisted of Jews and Christians as well as Muslims. To categorize people by any of those characteristics, however, would be tantamount to racism and, legally be a retrograde step.

54. Responding to the issues raised by Mr. Aboul-Nasr, he saw nothing wrong in being a fundamentalist: they were present in almost all religious groups and called for the letter rather than the spirit of the religion to be upheld. The perpetrators of the terrorist violence that had arisen had attempted to hide behind religious values, as had already been stated.

55. In response to Mr. de Gouttes' question as to what might be done to curb the violence, he suggested acts of solidarity with its victims.

56. The importance of dialogue with NGOs, in particular those with consultative status with the Economic and Social Council was acknowledged provided that it was conducted on the basis of a proper debate. In many cases in the past, as in the Committee on the Rights of the Child and the report of the Special Rapporteur on extrajudicial executions, and even in the Country Rapporteur's report to the present session, claims had been made regarding the lowering of the age of criminal responsibility or disappearances which, following investigation, had subsequently proved to be false. NGOs should therefore observe a proper procedure of discussion and refrain from making anonymous, undated, politically motivated claims. Recent visits to Algeria by the International Federation of Human Rights and Human Rights Watch had cleared up much misinformation through interviews and proper discussions.

57. With regard to freedom of the press, it was true that security information, particularly relating to terrorist attacks, was censored because of the need for investigations. During the Gulf war, for example, embargoes had been placed on all war information. Such action was only normal, and did not infringe freedom of expression, any more than the anti-terrorist laws of other ccuntries which prevented the press from referring to terrorist activity or publications.

58. The fight for human rights was an ongoing one and needed to be pursued everywhere, including in Europe where only a few countries appeared to have fully implemented the European Convention on Human Rights. Improvements were always possible and in most cases achievable through productive and harmonious dialogue and proper identification of the fundamental problems.

59. Mrs. SADIQ ALI (Country Rapporteur) expressed gratitude to the head of the Algerian delegation for his informative statement and insights into the history and background of his country.

60. Mr. Shahi had addressed the question of Arab-Algerian identity and had noted the concern about creating ethnic groups where none existed, quoting article 1, paragraph 1, of the Convention to explain the Committee's dilemma in requesting demographic information and identifying such groups. Mr. Diaconu had welcomed the rehabilitation of the Berbers and their language. Mr. de Gouttes had asked what could be done in the tragic situation arising from the conflict in Algeria, to which the head of the Algerian delegation had replied that acts of solidarity should be set against barbarity. Mr. Wolfrum had shared the views of Mr. Shahi and Mr. Diaconu on article 1, paragraph 1, of the Convention and had indicated how the new groups emerging might be identified, referring in particular to General Recommendation VIII that self-identification was the best means. Mr. Aboul-Nasr's comments had been particularly important. In that connection she confirmed that her material had come from the Secretariat. If Mr. Aboul-Nasr were to send Arab communiqués to the Anti-Racism Information Service (ARIS), there would be a better balance between European and other sources of information. Mr. Garvalov had appealed for each case to be judged on its merits and had drawn a comparison between homogeneous societies formed by forced assimilation and those formed by a progressive tendency. She recommended that those main points should be covered by the concluding observations.

61. Mr. ABOUL-NASR thanked the Country Rapporteur for confirming the source of her information. The Secretariat should provide information to ARIS in view of its many contacts with regional groups, organizations and NGOs, and

also expand its own contacts as it was regularly urged to do by the major human rights bodies. In view of the structural reforms taking place in the Division of Human Rights such expansion should be possible, and enable the treaty bodies to receive information from many sources, including the New York Secretariat which did not normally pass on its information to the Committees.

62. The CHAIRMAN thanked the Algerian delegation for an interesting and productive dialogue. The concluding observations would be drafted in due course and transmitted at the earliest opportunity to the Algerian Mission in Geneva.

63. The Algerian delegation withdrew.

Review of the implementation of the Convention in States parties whose reports are excessively overdue

Ethiopia

64. Mr. CHIGOVERA (Country Rapporteur) said that Ethiopia's last report, its sixth periodic report, had been submitted to and considered by the Committee in 1990. As of July 1997, five reports were overdue.

65. Among the main concerns expressed by the Committee at its thirtieth session in August 1990 had been the lack of substantial compliance with the provisions of article 4 of the Convention, although article 218 of the Ethiopian Civil Code appeared to have been intended to comply with the Convention on the Prevention and Punishment of the Crime of Genocide. The Committee had consequently requested further information on compliance with that article. Other criticisms had related to lack of demographic information and of information on the participation of the various national ethnic groups in the country's political and social life in relation to the rights established in article 5 of the Convention.

66. At the time of the sixth report, Ethiopia had been composed of some 70 nationalities and ethnic groups, but Eritrea's subsequent independence would have had considerable impact on its demographic composition.

67. The reports and information which he had received, in particular the 1996 report of the United States State Department, suggested that the current Government had established a federal system with political boundaries drawn along major ethnic lines, apparently enabling ethnic groups to have a greater say in their own affairs and resources than at any time in the past. Although other reports alleged human rights abuses by the current Government, they were of a more general nature and did not specifically relate to racial discrimination. The report to which he had had access had acknowledged that the current Government's record of respect for human rights was significantly better than that of the Mengistu government.

68. He recommended that the State party be called upon to comply with its obligations under article 9 of the Convention and submit its reports accordingly.

69. The CHAIRMAN said that the Committee could either leave Ethiopia within the review procedure, where it would wait for a further five years before the next round, or accept Mr. Chigovera's report pending reconsideration of the situation in Ethiopia at a subsequent session.

70. Mr. CHIGOVERA said that although Ethiopia had so far failed to respond to the many reminders which had been sent out, the right course would be to call on the Ethiopian Government to submit a report in time for the Committee's fifty-second session.

71. It was so decided.

The meeting rose at 12.55 p.m.